

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

## **NOTICE OF DOCUMENT DISCREPANCIES**

**FILED**

2008 MAY -5 PM 2:00

CLERK, US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
Burns

TO:  U. S. DISTRICT JUDGE /  U. S. MAGISTRATE JUDGE BURTON  
FROM: R. Mullin, Deputy Clerk RECEIVED DATE: 4/30/2008  
DEPUTY  
CASE NO.: 08cv0325 LAB (POR) DOCUMENT FILED BY: Petitioner  
CASE TITLE: Burton v. Director  
DOCUMENT ENTITLED: Motion for Stay & Abeyance

Upon the submission of the attached document(s), the following discrepancies are noted:

<input checked="" type="checkbox"/>	<b>Local Rule</b>	<b>Discrepancy</b>
<input checked="" type="checkbox"/>	5.1	<b>Missing time and date on motion and/or supporting documentation</b>
<input type="checkbox"/>	5.3	Document illegible or submitted on thermal facsimile paper
<input type="checkbox"/>	5.4	<b>Document not filed electronically. Notice of Noncompliance already issued.</b>
<input type="checkbox"/>	7.1 or 47.1	Date noticed for hearing not in compliance with rules/Document(s) are not timely
<input checked="" type="checkbox"/>	7.1 or 47.1	<b>Lacking memorandum of points and authorities in support as a separate document</b>
<input type="checkbox"/>	7.1 or 47.1	Briefs or memoranda exceed length restrictions
<input type="checkbox"/>	7.1	Missing table of contents
<input type="checkbox"/>	15.1	Amended pleading not complete in itself
<input type="checkbox"/>	30.1	Depositions not accepted absent a court order
<input type="checkbox"/>		Supplemental documents require court order
<input type="checkbox"/>		Default Judgment in sum certain includes calculated interest
<input checked="" type="checkbox"/>		<b><u>OTHER: Case closed.</u></b>

**Date forwarded:** 5/1/2008

## **ORDER OF THE JUDGE / MAGISTRATE JUDGE**

IT IS HEREBY ORDERED: *4/18/08 Order instructed Petitioner to re-open*

The document is to be filed nunc pro tunc to date received. *process by filing at earliest convenient time no later than 6/16/08.*

The document is NOT to be filed, but instead REJECTED. and it is ORDERED that the Clerk serve a copy of this order on all parties.

Rejected document to be returned to prose or inmate?  Yes.  No. Court Copy retained by chambers

CHAMBERS OF: **U.S. DISTRICT JUDGE**

Dated: 5-5-08

cc: All Parties

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA, SAN DIEGO,

DATE 4/26/08

REJECTED

ERIC WILTON BURTON #FO2720, } CIVIL NO. 08-0325 LAB (POR) / 1:08CV,  
PETITIONER } 000190 OWN WNW HC. (FILED 2-06-08  
V. } NOTICE OF MOTION AND MOTION FOR  
DIRECTOR, OF THE CALIFORNIA } STAY AND ABEYANCE PURSUANT TO,  
DEPARTMENT OF CORRECTIONS } 28 U.S.C. § 2254 (2) (B)  
AND REHABILITATION, } 28 U.S.C. § 2254 KELLY V. SMALL (9TH  
RESPONDENT } CIR. 2003) 31 F.3d 1063; LA GRAND V.  
SLACK V. McDANIEL (2000) 529 U.S. 473; } STEWART (9TH CIR. 1998) 133 F.3d 1253;  
PICARD V. CONNER (1971) 404 U.S. 270,  
275, 277-278; DUNCAN V. HENRY 513  
U.S. 364. BASED ON MEMORANDUM

AS SOON AS THE MATTER MAY BE FILED AND POINTS OF AUTHORITY.

NOW COMES THE PETITIONER ERIC WILTON BURTON #FO2720, AN  
UNCONSTITUTIONALLY INCARCERATED STATE INDIGENT PRISONER.

NOTICE IS HEREBY GIVEN TO THE ABOVE MENTIONED HONORABLE  
DISTRICT COURT AND THE DIRECTOR OF C.D.C.R, AND THE STATE  
ATTORNEY GENERAL, STATEMENT OF FACTS - TODAY 4-25-08 PETITIONER  
RECEIVED AN ORDER GRANTING HIM TO PROCEED IN FORMA PAUPERIS  
AND DISMISSING PETITION WITHOUT PREJUDICE, BY THE HONORABLE  
DISTRICT COURT JUDGE LARRY ALAN BURNS, CLAIMING THAT THE  
PETITIONER FAILED TO USE THE COURT APPROVED PROPER FORM, PETITIONER  
DISAGREES, AND ASSERTS THE DISTRICT COURT (SOUTHERN) IS IN ERROR.

PETITIONER USED THE PROPER FEDERAL H.C. FORM AS SENT TO HIM BY MAIL  
THE EASTERN DISTRICT COURT CLERK, AND HE PROPERLY FILED HIS  
FEDERAL H.C. PETITION ON 2-06-08 IN THE EASTERN CALIFORNIA DISTRICT,  
THE CORRECT JURISDICTION WHERE PETITIONER IS INCARCERATED.  
PETITIONER RECEIVED THE FEDERAL H.C. FORM FROM THE PRISON LAW LIBRARY.

Q BOX 5246-CSATF SP-CL-1196 IN THE UNITED STATES DISTRICT COURT  
MANHATTAN CA. 93212 SOUTHERN CALIFORNIA DISTRICT, S.D., CA.  
IN PROPER

ATTACHMENT OF MEMORANDUM AND  
POINTS OF AUTHORITIES IN SUPPORT OF  
MOTION FOR STAY AND ABEYANCE

~~REJECTED~~

DATE 4-26-08

CASE NO: 08-0325 LAB (POR)  
1:08cv000190own W.M.W.H.C.  
FILED 2-26-08 PAGES 1-10

P.O. BOX 521260, SAN FRANCISCO, CA 94152-1260  
CORCORAN, CA. 93212  
INT'LL OPRREJECT  
IN THE UNITED STATES DISTRICT COURT  
SOUTHERN CALIFORNIA DISTRICT  
SAN DIEGO CA.CASE NO. 3:08-cv-00325-  
LAB-POR

## EXHIBIT COVER PAGE

A

EXHIBIT

Description of this Exhibit: ORIGINAL FILED FEDERAL  
HABEAS CORPUS PETITION, 1:08CV000190 OWN W/MHHC,  
FILED 2-06-2008

Number of pages to this Exhibit: 6 pages.

## JURISDICTION: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- State Supreme Court
- United States District Court
- State Circuit Court
- United States Supreme Court
- Grand Jury